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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,709	07/30/2003	Hitoshi Watanabe	00862.023164.	5361
5514 7590 11/12/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
PHAM, THIERRY L				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/629,709

**Applicant(s)**

WATANABE, HITOSHI

**Examiner**

THIERRY L. PHAM

**Art Unit**

2625

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

- This action is responsive to the following communication: amendment filed on 9/30/2008.
- Claims 1, 7-8 are currently pending, wherein claims 7-8 are newly added; claims 2-6 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over CIPA DC-001-2003 Digital Photo Solutions for Imaging Devices (herein refers to as CIPA), and in view of Aquilera et al (US 20030043204).

Regarding claim 1, CIPA discloses a camera (DSC, fig. 1, page 1) which is capable of directly (see overview of page 1) transmitting a digital image to a printer (printer, fig. 1, page 1), comprising:

- an obtaining unit (DSC obtains capability of printer via using DPS\_GetCapability command, see "GetCapability" section taught on page 4) that obtains capability information from the printer;
- a user interface selector (using DSC's UI to select features available by the printer, see "GetCapability" section on page 2 for details) that selects, based on the capability information, a user interface for controlling a print area (advantage of PictBridge allows users/operators to print part of the image by specifying a clip area, see "additional features using advanced print setup" on page 2) that can be used in the printer; and
- a display unit (DSC display unit that allows users/operators to view and select print options, see "GetCapability" section on page 4 for details) that displays to the user of said camera the user interface selected by said user interface selector.

CIPA teaches a method of obtaining capabilities of printer via using digital still camera (DSC) and to print the image using the obtained capabilities. CIPA also teaches a method of allowing users/operators to print part of the image by specifying a clip area using the DSC's UI. However, CIPA fails to teach and/or suggest whether the obtained capabilities of printer include trimming function.

Aquilera, in the same field of endeavor for obtaining printer's capabilities, teaches a well-known example of printer includes a trimming function (printer with trimming capability, fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify obtaining method of CIPA to include a step of obtaining trimming function of the printer as taught by Aquilera because of a following reason: (●) to ensure whether the trimming function/capability is supported by the printer before sending the command to print the specified clip area/part of the image (as taught by CIPA) to the printer, therefore, eliminate the conflicting errors.

Therefore, it would have been obvious to combine CIPA with Aquilera to obtain the invention as specified in claim 1.

Regarding claim 7, CIPA further discloses the camera according to claim 1, wherein the camera transmits a position and a size of a printing area (advantage of PictBridge allows users/operators to print part of the image by specifying a clip area, see "additional features using advanced print setup" on page 2, and it is obvious that "specified clip area" includes position and size) to the printer in order to perform a trimming print of the digital image; and

wherein the position and the size of the printing area are set through the user interface (DSC UI, see "GetCapability" section on page 4 for details) selected by said user interface selector.

Regarding claim 8, CIPA further teaches the camera according to claim 1, wherein the camera transmits a position, a size and a shape (advantage of PictBridge allows users/operators to print part of the image by specifying a clip area, see "additional

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features using advanced print setup" on page 2, and it is obvious that "specified clip area" includes position, size, and shape) of a printing area to the printer in order to perform a trimming print of the digital image, and

wherein the position, the size and the shape of the printing area are set through the user interface (DSC UI, see "GetCapability" section on page 4 for details) selected by said user interface selector.

### ***Response to Arguments***

- Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection due to newly added features/limitations as cited in claim 1.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/

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/Dov Popovici/

Primary Examiner, Art Unit 2625